

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:08cr233-2

UNITED STATES OF AMERICA,)

)

)

vs.)

)

)

MIGUEL LORIA.)

)

O R D E R

THIS MATTER is before the Court on the Government's Notice of Attempt to Serve Motion to Dismiss Petition on Alma Loria [Doc. 70].

On July 21, 2009, Alma Loria filed a document which she captioned "Petition of Interest." [Doc. 61]. On July 29, 2009, the Government moved to dismiss that petition. [Doc. 67]. The Government attempted to serve Alma Loria at the residence where she formerly lived with her husband, Miguel Loria.¹ The mail was returned as undeliverable because Ms. Loria had moved leaving no forwarding address. As a result, the Government has filed notice that it is unable to serve her.

¹Although not explicitly so stated in the Government's pleading, the Government appears to assume that Alma and Miguel are married since they resided together prior to the Defendant's arrest and share the same surname.

It would seem, however, that the Defendant or his attorney might be in a position to know the new address for Ms. Loria. As a result, counsel for the Government will be required to make such an inquiry through the Defendant's counsel. If, indeed, her address is provided, the Government shall attempt service at that address. If it is not, the Government shall notify the Court. This Order is entered pursuant to the Court's inherent powers. 28 U.S.C. §1651.

IT IS, THEREFORE, ORDERED that on or before fifteen (15) days from entry of this Order, counsel for the Government shall comply with the terms and provisions hereof and shall file written notice of compliance.

Signed: September 1, 2009



Martin Reidinger
United States District Judge

